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Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

**(Use as many sheets as necessary)**

Sheet	1	of	2
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**Complete if Known**

<i>Application Number</i>	09/773,303 - 90/005,892
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<b>Filing Date</b>	01/31/2001 - 12/20/2000
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**First Named Inventor** | Larry M. Proctor

Art Unit	1638
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Examiner Name | Amy Nelson

Attorney Docket Number	414634 [as amended] 19742-001
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**U.S. PATENT DOCUMENTS**

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## FOREIGN PATENT DOCUMENTS

[illegible]Examiner  
Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* Applicant's unique citation designation number (optional). \* See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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of  
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Substitute for form 1449B/PTO

**SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT BY  
APPLICANT**

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Sheet 1 of 1

**Complete if Known**

Application Number	09/773,303 - 90/005,892
Filing Date	1/31/2001 - 12/20/2000
First Named Inventor	Larry M. Proctor
Art Unit	1638
Examiner Name	Amy J. Nelson
Attorney Docket Number	414634

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
EM	99	Deposition, Robert Brunner 30(B)(6) Volume II, ; taken in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate in the United States District Court for the District of Colorado (Civil Action No 01-WY-2310 AJ); 6/18/2002; pp 125-292	
	100	Brief In Support Of Defendant's Motion to Compel Plaintiff to Produce Documents and Provide Testimony Improperly Withheld Based on the Attorney-Client Privilege and Work Product Doctrine filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate in the United States District Court for the District of Colorado (Civil Action No 01-WY-2310 AJ); August 21, 2002; 25 pages	
	101	Response by Plaintiff Pod-Ners, LLC to Motion to Compel filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate in the United States District Court for the District of Colorado (Civil Action No 01-WY-2310 AJ); Sept. 16, 2002; 51 pages	
	102	Defendants' Reply Brief In Support of Motion to Compel Plaintiff to Respond To Requests For Documents and Provide Testimony Improperly Withheld Based On the Attorney-Client Privilege and Work Product Doctrine filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate in the United States District Court for the District of Colorado (Civil Action No 01-WY-2310 AJ); Oct. 4 & 15, 2002; 31 pages.	
	103	Pod-Ners' Sur-Reply Regarding Defendants' Motion To Compel filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate in the United States District Court for the District of Colorado (Civil Action No 01-WY-2310 AJ); Oct. 16, 2002; 41 pages	
EM	104	Correspondence between counsel for Pod-Ners and counsel for Armour Specialty Marketing; Jan 4, 2000 to Sept 18, 2001; 6 pages.	

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4/6/05

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Examiner Name	Amy Nelson
Attorney Docket Number	414634 [as amended] 19742-001

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		PAREDES-LOPEZ et al., "Effect of the hardening phenomenon on some physico-chemical properties of common bean," Food Chemistry, 31:225-236, 1989	
		SOUZA et al., "Sample size for estimating within plot variance in experiments designed to evaluate common bean progenies," Revista Brasileira Genetica, 16:977-982, 1993	

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Examiner Name	Amy Nelson
Attorney Docket Number	414634 [as amended] 19742-001

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
EM		US-4,378,655	04-05-1983	Johnson	
EM		US- 4,769,512	09-06-1988	Schulbach	
EM		US- 5,215,912	08-01-1993	Hoffman	
EM		US- 5,270,200	12-14-1993	Sun et al.	
EM		US- 5,376,543	12-27-1994	Chee et al.	
EM		US- 5,530,183	06-25-1996	Fehr et al.	
EM		US- 5,543,576	08-06-1996	van Ooigen et al.	
EM		US- 5,557,036	09-17-1996	Doane et al.	
EM		US- 5,576,203	11-19-1996	Hoffman	
EM		US- 5,576,476	11-19-1996	Moots	
EM		US- 5,589,623	12-31-1996	Ferro et al.	
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**FOREIGN PATENT DOCUMENTS**

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		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				

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11/22/04

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<b>Examiner Name</b>	Amy Nelson
<b>Attorney Docket Number</b>	414634 [as amended] 19742-001

### **NON PATENT LITERATURE DOCUMENTS**

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Σ 7 M. 3 L.

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First Named Inventor	Larry M. Proctor
Group Art Unit	1638
Examiner Name	Amy Nelson
Attorney Docket Number	396168

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
EM	66	CGIAR Center Statements on Genetic Resources, Intellectual Property Rights and Biotechnology; Center Directors and Center Board Chairs of the Consultative Group on International Agricultural Research (CGIAR); May 1999; 40 pages	
	67	GEPTS, PAUL; letter to Ms. J. Pietrini; October 21, 2002 with two attached experiments; 10 pages	
	68	JOHNSON, WILLIAM C, et al.; The Role of epistasis in controlling seed yield and other agronomic traits in an Andean X Mesoamerican cross of common bean ( <i>Phaseolus vulgaris</i> L.); Euphytica 125: 69-79, 2002; © Kluwer Academic Publishers	
	69	VOYSEST VOYSEST, OSWALDO; Mejoramiento Genético del Frijol ( <i>Phaseolus vulgaris</i> L.); Legado de Variedades de América Latina 1930-1999; Publicación CIAT No. 321; ISBN 958-694-032-2; Tiraje: 700 ejemplares; Impreso en Colombia; Septiembre del 2000	
	70	ROHLF, F. JAMES: NTSYSpc Numerical Taxonomy and Multivariate Analysis System, Version 2.00 User Guide; Department of Ecology and Evolution; State University of New York; © 1997 by Applied Biostatistics Inc., ISBN: 0-925031-28-3; 31 pages	
	71	GEPTS, PAUL; Development of an Integrated Linkage Map; Common Bean Improvement in the Twenty-First Century; Development in Plant Breeding; Volume 7; Chapter 3, © 1999 Kluwer Academic Publishers; pp 53-91 and 389-401	
	72	McCLEARN, P.E., et al.; Molecular and Phenotypic Mapping of Genes Controlling Seed Coat Pattern and Color in Common Bean ( <i>Phaseolus vulgaris</i> L.); Brief Communication; The Journal of Heredity 2002:93(2); pp 148-152	
	73	GEPTS, PAUL; Origin and Evolution of Common Bean: Past Events and Recent Trends; Colloquium; HortScience. Vol. 33(7) December 1998; pp 1124-1130	
	74	GEPTS, P., et al.; Genetic Diversity in Pearl Millet ( <i>Pennisetum glaucum</i> [L.] R. Br.) at the DNA Sequence Level; The Journal of Heredity 1989:80(3); pp 203-208	
	75	SINGH, SHREE, P., et al.; Races of Common Bean, <i>Phaseolus vulgaris</i> L.; Current topics in breeding of common bean; S. Beebe (ed.), Working Document No. 47, 438 pp. Bean Program, CIAT, Cali, Colombia, P. 75-89, 1989	
	76	VOS, PIETER, et al., AFLP: a new technique for DNA fingerprinting; © 1995 Oxford University Press; Nucleic Acids Research, 1995, Vol. 23, No. 21 4407-4414	
	77	PRAKKEN, R.; Inheritance of Colours in <i>Phaseolus Vulgaris</i> L. III on Genes for Red Seedcoat Colour and a General Synthesis; Mededelingen Landbouwhogeschool Wageningen - Nederland - 72-29 (1972); Department of Genetics, Agricultural University, Wageningen, The Netherlands	
	78	PRAKKEN, R.; Inheritance of Colour in <i>Phaseolus Vulgaris</i> L. II. A Critical Review; Mededelingen Landbouwhogeschool, Wageningen, Nederland 70-23 (1970); Department of Genetics, Agricultural University, Wageningen, The Netherlands	
	79	EFRON, B.; The 1977 Rietz Lecture; Bootstrap Methods: Another Look at the Jackknife; Stanford University; The Annals of Statistics 1979, Vol 7, No. 1, 1-26	
	80	Annual Report of the Bean Improvement Cooperative; Volume 28; 1985; pp 87-88	
EM	81	1 <sup>st</sup> Annual Report [also 2 <sup>nd</sup> A.R.] of the Bean Improvement Cooperative; 1959; pp 2 and 23	

Examiner  
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E M Nelson

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Sheet 6 of 7

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Filing Date	01/31/2001 - 12/20/2000
First Named Inventor	Larry M. Proctor
Group Art Unit	1638
Examiner Name	Amy Nelson
Attorney Docket Number	396168

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

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EM	82	BASSETT, MARK J.; The Dark Corona Character in Seedcoats of Common Bean Cosegregates with the Pink Flower Allele <i>v<sup>pa</sup></i> ; J. Amer. Soc. Hort. Sci. 120(3):520-522. 1995	
	83	BASSETT, MARK J.; A New Recessive Allele at the C Locus for Seedcoat Color In Common Bean; J. Amer. Soc. Hort. Sci. 120(6):896-899, 1995	
	84	GEPTS, PAUL.; The Use of Molecular and Biochemical Markers in Crop Evolution Studies; Evolutionary Biology, Volume 27, edited by Mark K. Hecht et al.; 1993 Plenum Press, New York; pp 51-94	
	85	Especies Y Variedades Recomendados Por La Sagar (Ciclos O.I. 97/98 Y P.V. 98/98) <a href="http://www.sagarpa.gob.mx/Pronase/productos/varxedo/sin.html">http://www.sagarpa.gob.mx/Pronase/productos/varxedo/sin.html</a>	
	86	Pronase (Indice de variedades de Frijol); <a href="http://www.sagarpa.gob.mx/Pronase/productos/ind_frijol.html">http://www.sagarpa.gob.mx/Pronase/productos/ind_frijol.html</a> ; 1 page (October 25, 20002)	
	87	Pronase (Variedades de Frijol); <a href="http://www.sagarpa.gob.mx/Pronase/productos/frijol.html">http://www.sagarpa.gob.mx/Pronase/productos/frijol.html</a> ; 15 pages (October 25, 2002)	
	88	Defendants' Motion for Summary Adjudication that Plaintiff's Plant Variety Protection Certificate is Invalid, or in the Alternative is Not Infringed; filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); October 31, 2002; 4 pages	
	89	Defendant's Brief In Support of Motion for Summary Adjudication That Plaintiff's Plant Variety Protection Certificate is Invalid or in the Alternative is not Infringed; filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); October 31, 2002; 52 pages	
	90	Declaration of Victor Caro Ayala In Support of Motion for Summary Adjudication that Plaintiff's Plant Variety Protection Certificate is Invalid, or in the Alternative Not Infringed; filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); October 31, 2002; 18 pages	
	91	Expert Report of Kenneth Grafton PH.D. In Support of Motion for Summary Adjudication that Plaintiff's Plant Variety Protection Certificate is Invalid, or in the Alternative Not Infringed; filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); October 31, 2002; 54 pages	
	92	Expert Report of Paul Gepts PH.D. In Support of Motion for Summary Adjudication that Plaintiff's Plant Variety Protection Certificate is Invalid, or in the Alternative Not Infringed; filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); October 31, 2002; 55 pages	
	93	Declaration of Robert J. Brunner In Support of Motion for Summary Adjudication that Plaintiff's Plant Variety Protection Certificate is Invalid, or in the Alternative Not Infringed; filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); October 31, 2002; 11 pages	
EM	94	Declaration of Octavio Garcia In Support of Motion for Summary Adjudication that Plaintiff's Plant Variety Protection Certificate is Invalid, or in the Alternative Not Infringed; filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); October 31, 2002; 43 pages	

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Attorney Docket Number	396168

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Sheet 1 of 7	Attorney Docket Number	396168	

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
EM	1	Declaration of Gil Waibel, filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); October 7, 2002; 45 pages	NOV 19 2002 TECH CENTER 1600/2900 RECEIVED
	2	Declaration of Kenneth L. Hines, filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); October 7, 2002; 3 pages	
	3	Declaration of Beulah Hines, filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); October 7, 2002; 2 pages	
	4	Declaration of Russell McDougal, filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); October 9, 2002; 4 pages	
	5	Declaration of Gary L. Knight, filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); October 9, 2002; 2 pages	
	6	Declaration of Christopher A. Greco, filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); Oct. 8, 2002; 3 pages	
	7	Declaration of Scott Harmon, filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); Oct. 7, 2002; 3 pages	
	8	Declaration of Ray Geier, filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); Oct. 8, 2002; 3 pages	
	9	Declaration of Andrew S. Webb, filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ) Oct. 8, 2002; 3 pages	
	10	Expert Report of Paul Gepts, Ph.D., filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); Oct. 5, 2002; 56 pgs..	
	11	Expert Report of Kenneth Grafton, Ph. D, filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); Oct. 2, 2002; 67 pgs.	
	12	GRAFTON, K.F., et al; Row Spacing, Plant Population, and Genotype X Row Spacing Interaction Effects on Yield and Yield Components of Dry Bean; Agronomy Journal, Vol. 80, July - Aug 1988; pp 631 - 634	
	13	ADAMS, M.W.; Basis of Yield Component Compensation in Crop Plants With Special Reference to the Field Bean, <i>Phaseolus vulgaris</i> ; Crop Science, Vol. 7, September -October 1957; pp 505-510.	
	14	<del>Opinion-Experta-De-Lic-Marcial-Garcia, filed in Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al., an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ).--</del>	
	15	<del>English translation of Cite No. 14.--</del>	
EM	16	Declaration of Gil Waibel, filed in <u>Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al.</u> , an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); Oct. 22, 2002; 2 pages	

Examiner Signature	<i>EM</i>	Date Considered	4/5/05
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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 2 of 7

## Complete if Known

Application Number 09/773,303 - 90/005,892  
 Filing Date 01/31/2001 - 12/20/2000  
 First Named Inventor Larry M. Proctor  
 Group Art Unit 1638  
 Examiner Name Amy Nelson  
 Attorney Docket Number 396168

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## OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
EM	17	<del>Declaration of Laura L. Conley, filed in Pod-Ners, LLC v. Northern Feed &amp; Bean of Lucerne, Ltd. Liability Co., et al., an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); 3 pgs</del>	
	18	Declaration of James Nienhuis, filed in Pod-Ners, LLC v. Northern Feed & Bean of Lucerne, Ltd. Liability Co., et al., an action for infringement of Pod-Ners' Plant Variety Protection Act Certificate currently pending in the United States District Court for the District of Colorado (Civil Action No. 01-WY-2310 AJ); Oct. 24, 2002; 59 pgs.	
	19	DORSCHNER, CHERYL; Beans; National Gardening for America's Most Devoted Gardeners; September/October 1992; Pg 35-37	
	20	GEPTS, P., et al; Phaseolin-protein Variability in Wild Forms and Landraces of the Common Bean (Phaseolus vulgaris); Evidence for Multiple Centers of Domestication; Economic Botany, 40(4), 1986, pp 451-468; © 1986, by The New York Botanical Garden, Bronx, NY 10458	
	21	GEPTS, P. et al.; Dissemination Pathways of Common Bean (Phaseolus vulgaris, Fabaceae) Deduced from Phaseolin Electrophoretic Variability. I. The Americas; Economic Botany 42(1); 1988, pp 73-85; © 1988 by The New York Botanical Garden, Bronx, NY 10458	
	22	SINGH, SHREE P., et al; Genetic Diversity in Cultivated Common Bean: I. Allozymes; Published in Crop Sci. 31:19-23 (1991).	
	23	SINGH, SHREE P., et al; Genetic Diversity in Cultivated Common Bean: II. Marker-Based Analysis of Morphological and Agronomic Traits; Published in Crop Sci. 31:23-29 (1991).	
	24	GEPTS, PAUL; Phaseolin as an Evolutionary Marker; Genetic Resources of Phaseolus Beans; © 1998 by Kluwer Academic Publishers; pp 214 - 241	
	25	GEPTS, PAUL; A Middle American and an Andean Common Bean Gene Pool; Genetic Resources of Phaseolus Beans; © 1998 by Kluwer Academic Publishers; pp 375 - 390	
	26	SINGH, SHREE P., et al.; Races of Common Bean (Phaseolus vulgaris, Fabaceae) <sup>1</sup> ; Economic Botany 45(3) pp. 379-396. 1991; © 1991, by The New York Botanical Garden, Bronx, NY 10458 USA	
	27	GEPTS, PAUL L.; Nutritional and Devolutionary Implications of Phaseolin Seed Protein Variability in Common Bean (Phaseolus vulgaris L.); A thesis submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy (Plant Breeding and Plant Genetics) at the University of Wisconsin - Madison 1984	
	28	Exportacion De Variedades De Frijol Tipo Azufrado A La U.S.A., 1990	
	29	JARVIS, C.D., American Varieties of Beans; Cornell University; Agricultural Experiment Station of The College of Agriculture, Department of Horticulture, Ithaca, N.Y., Published by the University; November 1908; Bulletin 260; pp 149 - 255	
	30	Canario LM 57; Peru; bean USDA# PI269207; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	
	31	Azufrados; Chili; bean USDA# PI282052; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	
	32	Canario; Peru; bean USDA# PI290995; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	
EM	33	Jalo-90; Brazil; bean USDA# PI298109; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	

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STATEMENT BY APPLICANT**

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Sheet 3 of 7

**Complete if Known**

Application Number	09/773,303 - 90/005,892
Filing Date	01/31/2001 - 12/20/2000
First Named Inventor	Larry M. Proctor
Group Art Unit	1638
Examiner Name	Amy Nelson
Attorney Docket Number	396168

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EM	34	Frijol Azufrado; Mexico; CIAT bean-G18958; USDA #PI309784; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	
	35	Frijol Peruana; Mexico; CIAT bean-G1812; USDA# PI309792; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	
	36	Frijol Azufrado; Mexico; CIAT bean-G18959; USDA# PI309794; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	
	37	Frijol Azufrado; Mexico; CIAT bean-G18962; USDA# PI309809; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	
	38	Frijol Azufrado; Mexico; CIAT bean-G18963; USDA# PI309811; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	
	39	Azufrado; Mexico; bean USDA# PI313519; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	
	40	Canario; Mexico; CIAT bean-G19136; USDA# PI313530; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	
	41	Frijol Azufrado; Mexico; CIAT-bean-G19169; USDA# PI325675; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	
	42	Canario; Mexico; bean USDA# PI417816; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	
	43	Frijol azu frado; Mexico; bean USDA# PI510638; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	
	44	Frijo. Mayocoba; Mexico; bean USDA# PI510640; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	
	45	Canario Chiquito; Mexico; bean USDA# PI510645; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	
	46	Canario; Mexico; bean USDA# PI533337; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	
	47	Canario; Mexico; bean USDA# PI533483; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	
	48	Canario; Mexico; bean USDA# PI533520; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	
EM	49	Canary; United States; USDA# PI549993; August 9, 1994; <a href="http://www.ars-grin.gov/cgi-bin/npgs/html">http://www.ars-grin.gov/cgi-bin/npgs/html</a>	

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STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number	09/773,303 - 90/005,892
Filing Date	01/31/2001 - 12/20/2000
First Named Inventor	Larry M. Proctor
Group Art Unit	1638
Examiner Name	Amy Nelson
Attorney Docket Number	396168

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EM	50	SECRETARIA DE AGRICULTURA Y GANADERIA; Solicitud de Inscripcion en el Registro Nacional de Variedades de Plantas; Mexico, D.F., 6 de Junio de 1978; 4 pages	
	51	English Translation of Cite No. 50	
	52	SECRETARIA DE AGRICULTURA Y RECURSOS HIDRAULICOS; Solicitud de Inscripcion en el Registro Nacional de Variedades de Plantas; Los Mochis, SIN., Septiembre 25 de 1987, Genealogia II14FrMo-4-M-M; 4 pages	
	53	English Translation of Cite No. 52	
	54	SECRETARIA DE AGRICULTURA Y RECURSOS HIDRAULICOS; Solicitud de Inscripcion en el Registro Nacional de Variedades de Plantas; Los Mochis, SIN., Septiembre 25 de 1987, Genealogia II8FrMo-5-3-M; 4 pages	
	55	English Translation of Cite No. 54	
	56	SECRETARIA DE AGRICULTURA Y RECURSOS HIDRAULICOS; Solicitud de Inscripcion en el Registro Nacional de Variedades de Plantas; Mexico, D.F., 3 de Septiembre de 1992; 4 pages	
	57	English Translation of Cite No. 56	
	58	SECRETARIA DE AGRICULTURA Y RECURSOS HIDRAULICOS; Solicitud de Inscripcion en el Registro Nacional de Variedades de Plantas; Mexico, D.F., Septiembre 1° de 1994, Genealogia II14FrMo-CB (2) CB (3) CB (4)-M-M; 4 pages	
	59	English Translation of Cite No. 58	
	60	SECRETARIA DE AGRICULTURA Y RECURSOS HIDRAULICOS; Solicitud de Inscripcion en el Registro Nacional de Variedades de Plantas; Mexico, D.F., Septiembre 1° de 1994, ECCZT-10163-42CM (10)-M+M Canario Divex-8130 x Roval Red; 4 pages	
	61	English Translation of Cite No. 60	
	62	Proctor to debut new bean, Montrose Daily Press, Friday, November 10, 1995, pp 5-6	
	63	Draft Agreement with FAO to Place CGIAR Center In-Trust Collections of Plant Genetic Resources under the Auspices of FAO, Consultative Group on International Agricultural Research, May 1994	
	64	Joint Statement of FAO and the CGIAR Centres on the Agreement Placing CGIAR Germplasm Collections Under the Auspices to FAO; Consultative Group on International Agricultural Research; October 25, 1994; 2 pages	
GM	65	<del>VON LOESCH, Heinrich; World Plant Collection Paced Under Intergovernmental Auspices; Press ICW/94/3; Consultative Group on International Agricultural Research; 4 pages</del>	

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application Number	90/005892 / 09/773,303
Filing Date	12/20/2000
First Named Inventor	5894079
Art Unit	1638
Examiner Name	Amy Nelson
Attorney Docket Number	

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## NON PATENT LITERATURE DOCUMENTS

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EM		Pallottini, L. Kami, J., Barcaccia, G and Gepts. P. The Genetic Identiti of a Patented Yellow Bean. (2004) Crop Sci. Soc. Am.	

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		Application Number	90/005,892 / 09/773,303		
		Filing Date	December 20 2000		
		First Named Inventor	Proctor		
		Art Unit	1638		
		Examiner Name	Amy Nelson		
Sheet		of		Attorney Docket Number	

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EM	1	Annual Report of the Bean Improvement Cooperative, Vol 47, 2004 pp. 155-162	

Examiner Signature	ET Nelson	Date Considered	4/5/05
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